

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
VICENTA GENAO,

Plaintiff,

v.

RALPH MOYLE, INC., XYZ CORPORATION 1-10, JOHN DOE 1-5 and VIRGINIO PEREZ-JIMENEZ,

Defendants.

-----X
CIVIL ACTION NO.:

NOTICE OF REMOVAL

TO: Andrew S. Maze, Esq., P.C.
313 Amboy Avenue
Woodbridge, New Jersey 07095

PLEASE TAKE NOTICE, that on this date defendants VIRGINIO PEREZ-JIMENEZ and RALPH MOYLE, INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiff VICENTA GENAO brought a lawsuit against the defendants VIRGINIO PEREZ-JIMENEZ, RALPH MOYLE, INC. and fictitious named defendants by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Middlesex County on or about April 5, 2012 as a result of an alleged accident which occurred on or about May 31, 2011. A copy of the Complaint is annexed hereto as Ex. A.

2. The Summons and Complaint were not received by defendant VIRGINIO PEREZ-JIMENEZ to date.

3. The Summons and Complaint were received by defendant RALPH MOYLE, INC. on or about May 29, 2012. A copy of the Summons is annexed hereto as Ex. B.

4. There have been no other proceedings in this action.

5. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in Perth Amboy, Middlesex County.

6. Defendant VIRGINIO PEREZ-JIMENEZ is a citizen and resident of the State of

Michigan residing in Kentwood, County of Kent.

7. Defendant RALPH MOYLE, INC. is a citizen and resident of the State of Michigan, residing in Mattawan, County of Van Buren.

8. In the First Count, 4th paragraph of the plaintiff's Complaint, plaintiff VICENTA GENAO alleged that, as a result of the subject accident, she was caused to sustain allegedly sustained serious injuries both temporary and permanent in nature; suffered and will suffer future pain and suffering; was and will be obliged to spend money on doctor bills, care and medicine in an effort to cure and alleviate her injuries; and was and will be unable to pursue the usual course of her occupation, duties and normal activities, all to her damage.. *Please see Ex. A.*

9. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see Ex. A.*

10. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

11. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

12. This Notice is filed with this Court within 30 days of defendant's receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

13. The matter entitled *Jeannette Espinal v. Virginio Perez-Jimenez and Ralph Moyle, Inc.*, civil action number 12-cv-1242 is currently pending before this Court and it is the defendants' intention to move to consolidate the litigations.

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 1 JFK Square, P.O. Box 964, New Brunswick, New Jersey 08903-0964, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: June 12, 2012

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
VIRGINIO PEREZ-JIMENEZ and RALPH MOYLE, INC.

BY:

A handwritten signature in blue ink, appearing to read "Lorne M. Reiter".

LORNE M. REITER, ESQ.

EXHIBIT A

ANDREW S. MAZE, ESQ., P.C.
313 AMBOY AVENUE
WOODBRIDGE, NJ 07095
Tel. (732) 750-5000
ATTORNEY FOR PLAINTIFF

CIVIL RECORDS
N.J. SUPERIOR COURT
MIDDLESEX VICINAGE
2012 APR -5 A 11:06
FILED & RECEIVED 4/5/12

VICENTA GENAO, : SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
: DOCKET NO. L - 2408-12

Plaintiff : Civil Action

VS. : **COMPLAINT and JURY DEMAND**

RALPH MOYLE, INC., XYZ
CORPORATION 1-10, JOHN DOE
1-5 and VIRGINIO PEREZ-JMFNFZ

Defendants,

Plaintiff, VICENTA GENAO, residing at 402 Neville Street, Apt. 1, in the City of Perth Amboy, County of Middlesex, State of New Jersey, complaining of the defendants herein says:

FIRST COUNT

1. On or about May 31, 2011, the plaintiff, VICENTA GENAO, was the operator of a motor vehicle which was lawfully and properly proceeding northbound on the Route 440/State Street ramp, in the City of Perth Amboy, County of Middlesex, State of New Jersey.

2. At the time and place aforesaid the defendant, RALPH MOYLE, INC., XYZ CORPORATION 1-10 and JOHN DOE 1-5, were the owners of a motor

vehicle being operated by their agent, servant and/or employee defendant, VIRGINIO PEREZ-JIMENEZ, which vehicle was proceeding northbound on Route 440/State Street ramp in the City of Perth Amboy, County of Middlesex, State of New Jersey.

3. At the aforesaid time and place the defendants, RALPH MOYLE, INC. XYZ CORPORATION 1-10, JOHN DOE 1-5 and VIRGINIO PEREZ-JIMENEZ, operated their motor vehicle in such a negligent and careless manner that while attempting to get off the ramp, was caused to strike and collide with the motor vehicle being operated by the plaintiff, VICENTA GENAO and the plaintiff, VICENTA GENAO, was caused to sustain serious personal injuries.

4. As a direct and proximate result of the joint, several and/or individual negligence of the defendants, RALPH MOYLE, INC., XYZ CORPORATION 1-10, JOHN DOE 1-5 and VIRGINIO PEREZ-JIMENEZ, the plaintiff, VICENTA GENAO, sustained serious personal injuries, both temporary and permanent in nature, she suffered and will suffer future pain and suffering, she was and will be obliged to spend money for doctor bills, care and medicine, all in an effort to cure and alleviate her injuries, and she was and will be unable to pursue the usual course of her occupation, duties and normal activities, all to her damage.

WHEREFORE, the plaintiff, VICENTA GENAO, demands judgment against the defendants, RALPH MOYLE, INC., XYZ CORPORATION 1-10, JOHN DOE 1-5, and VIRGINIO PEREZ-JIMENEZ, jointly, severally and/or individually, for money

damages plus costs of suit.

JURY DEMAND

Plaintiff hereby demands a Trial by jury on all issues in the within matter.

DEMAND FOR ANSWERS TO INTERROGATORIES

I hereby make a demand for defendants to answer Form C Interrogatories within the time prescribed by the Rules of Court.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2(b), the plaintiff(s) hereby demand production within 30 days of a copy of the contents of any insurance agreement under which the defendant(s) may be covered to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments to satisfy the judgment.

CERTIFICATION

Andrew S. Maze, of full age, hereby certifies as follows:

That the matter in controversy is the subject of an action pending in the Middlesex County Superior Court entitled Espinal v. Perez-Jimenez, et als bearing Docket No. MID L 000274-12.

1. I know of no other party or person who should be joined in this action.
2. This certification is made pursuant to Rule 4:5-1.

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: April 3, 2012

ANDREW S. MAZE

EXHIBIT B

Attorney(s): Andrew S. Maze, Esq.
Law Firm: Andrew S. Maze, Esq., P.C.
Address: 313 Amboy Avenue
Woodbridge, NJ 07095
Telephone No.: 732-750-5000
Fax: No.: 732-750-2305
Attorney for Plaintiff(s):

VINCENTA GENAO,

Plaintiff(s)

vs.

RALPH MOYLE, INC., et als

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. L 2402-12

Civil Action

SUMMONS

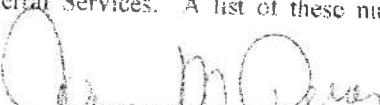
From the State of New Jersey to the Defendant(s) Named Above: Ralph Moyle, Inc.

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to a plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: May 3, 2012


Jennifer M. Perez
Acting Clerk of the Superior Court

Name of Defendant to be Served: Ralph Moyle, Inc.

Address of the Defendant to be Served: 23599 Freedom Lane, P.O. Box 248, Mattawan, MI 49071

NOTE: The Case Information Statement is available at www.njcourts.com.

Revised 09/01/2010, CN 10792-English (Appendix XII-A)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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VICENTA GENAO,

Plaintiff,

v.

RALPH MOYLE, INC., XYZ CORPORATION 1-10, JOHN DOE 1-5 and VIRGINIO PEREZ-JIMENEZ,

CIVIL ACTION NO.:

-----X
CERTIFICATION OF SERVICE

Defendants.

LORNE M. REITER, ESQ. certifies as follows:

1. I am an attorney duly admitted to practice before this Honorable Court, and I hereby affirm the truth of the following statements under the penalty of perjury.

2. I am a member with the law firm of LAW OFFICES OF LORNE M. REITER, LLC, attorneys for the defendants VIRGINIO PEREZ-JIMENEZ and RALPH MOYLE, INC. and as such, I am fully familiar with the facts set forth herein.

3. On this date, I served copies of the within Notice of Removal upon the plaintiff in this action by mailing same via First Class Mail from 740 River Road, Fair Haven, New Jersey 07704 addressed to the plaintiff's attorney, Andrew S. Maze, Esq., P.C., 313 Amboy Avenue, Woodbridge, New Jersey 07095.

4. Further, on this date, I caused a copy of the Notice of Removal to be filed with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 1 JFK Square, P.O. Box 964, New Brunswick, New Jersey 08903-0964.

5. Pursuant to 28 U.S.C. §1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: June 12, 2012

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
VIRGINIO PEREZ-JIMENEZ and RALPH MOYLE, INC.

BY:



LORNE M. REITER, ESQ.